

LEE COUNTY CLERK OF COURTS

CASE SUMMARY

CASE NO. 19-CA-001808

Hertz Corporation et al
Plaintiff
vs
Sider, Scott
Defendant

§
§
§
§

Location: Div L
Judicial Officer: Hayes, Leigh Frizzell
Filed on: 03/28/2019

CASE INFORMATION

Case Type: CA Contracts and Indebtedness

PARTY INFORMATION

Plaintiff	Hertz Corporation	Lead Attorneys Atwood, Scott Edward Retained 239-344-1100(W)
	Hertz Global Holdings Inc	Atwood, Scott Edward Retained 239-344-1100(W)
Defendant	Sider, Scott	Knott, George Hayward Retained 239-334-2722(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
✓ 03/28/2019	✉ Civil Cover Sheet	
✓ 03/28/2019	✉ Complaint	
✓ 04/01/2019	✉ Standing Order in Civil Cases	
✓ 04/18/2019	✉ Motion to Appear Pro Hac Vice	
✓ 04/22/2019	✉ Motion to Appear Pro Hac Vice	
✓ 04/22/2019	✉ Motion to Appear Pro Hac Vice	
✓ 05/03/2019	✉ Acceptance of Service	
✓ 05/03/2019	✉ Stipulation	
✓ 05/09/2019	✉ Notice of Unavailability	
✓ 05/17/2019	✉ Motion to Dismiss	
✓ 05/22/2019	✉ Order Granting Motion <i>of David Dunn to Appear Pro Hac Vice</i>	
✓ 06/03/2019	✉ Order Granting Motion <i>of Herbert Beigel to appear Pro Hac Vice</i>	
✓ 06/12/2019	✉ Stipulation <i>to Transfer Venue with Proposed Order</i>	

FILED 7/1/191108 Collier Co



LEE COUNTY CLERK OF COURTS
CASE SUMMARY
CASE NO. 19-CA-001808

✓ 06/13/2019	✉ Order Transferring Case (Judicial Officer: Hayes, Leigh Frizzell) Recording Needed (Grantors: Hertz Corporation; Hertz Global Holdings Inc, Grantees: Sider, Scott)	Instrument# 2019000143638
✓ 06/18/2019	✉ Notice of Filing Fees Due	
✓ 06/21/2019	✉ Order Granting Motion <i>to Appear Pro Hac Vice</i>	

DATE	FINANCIAL INFORMATION
	Defendant Sider, Scott
	Total Charges 100.00
	Total Payments and Credits 100.00
	Balance Due as of 6/26/2019 0.00
	Movant Viducich, Robert R
	Total Charges 100.00
	Total Payments and Credits 100.00
	Balance Due as of 6/26/2019 0.00
	Plaintiff Hertz Corporation
	Total Charges 500.00
	Total Payments and Credits 500.00
	Balance Due as of 6/26/2019 0.00

I CERTIFY THIS DOCUMENT TO BE
A TRUE & CORRECT COPY OF THE
RECORD ON FILE IN MY OFFICE.

JUN 26 2019

Linda Doggett, Clerk Circuit
Court Lee County, Florida
By: *linda doggett* D.C.



IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA

CASE NO: 19-CA-001808

Hertz Corporation et al

Plaintiff

vs

Sider, Scott

Defendant

/

STANDING ORDER IN CIVIL CASES IN THE TWENTIETH JUDICIAL CIRCUIT

PURSUANT to Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, and Administrative Order 1.13 entered by the Chief Judge of this Circuit, the parties are ordered to adhere to the following information and procedures applicable to civil lawsuits:

1. SERVICE OF THIS ORDER. The Plaintiff is directed to serve a copy of this order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service. The Plaintiff shall pay the appropriate statutory clerk's fees on copies for each Standing Order issued and attached to the Summons.

2. CIVIL CASE MANAGEMENT SYSTEM. The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases (other than residential mortgage foreclosures which have a separate standing order and case management track; involuntary commitment of sexually violent predators; and eminent domain cases), the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan, early interaction with a Civil Case Manager and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in a good faith attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.¹ The Agreed Case Management Plan may be accessed at the Court's website at: [<http://www.ca.cjis20.org/web/main/civil.asp>].

Unless all of the Defendants have been served and have defaulted, an Agreed Case Management Plan will be submitted to the Civil Case Manager, at the Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901, on or before 150 days from the date of filing of the initial complaint. If the parties are unable to agree on an Agreed Case Management Plan, a case management conference will be scheduled by the Court. If a case management conference is scheduled, attendance by trial counsel and those parties who are not represented by counsel is mandatory.

¹ Case Track options include Expedited, Standard or Complex. Case Tracks have been established in order to comply with the case disposition standards set forth in Florida Rule of Judicial Administration 2.250(a)(1)(B).

3. **ALTERNATIVE DISPUTE RESOLUTION (ADR)**. ADR provides parties with an out-of-court alternative to settling disagreements. The Court requires the parties to participate in ADR prior to trial. Mediation is mandatory unless the parties agree to another form of ADR. Mediation is a conference at which an independent third party attempts to arrange a settlement between the parties.

4. **RULES OF PROFESSIONALISM**. The Twentieth Judicial Circuit has adopted Administrative Order 2.20, which sets forth standards of professional courtesy and conduct for all counsel or pro-se litigants practicing within the Circuit. The Court requires that all familiarize themselves and comply with Administrative Order 2.20. Administrative Order 2.20 may be viewed on the Court's website at: http://www.ca.cjis20.org/web/main/ao_admin.asp

5. **CONTACT INFORMATION**. Attorneys and pro se parties are required to keep the court apprised of their current address, telephone numbers and email address. This information is also required to be included in all pleadings filed in your case.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida.

Alane C. Laboda (electronically signed)
Administrative Circuit Judge

*****Original on file in the office of the Circuit Court Administrative Judge, Lee County

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

SCOTT SIDER

Defendant. /

VERIFIED MOTION FOR ADMISSION TO APPEAR PRO HAC VICE PURSUANT TO
FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510

Comes now David Dunn, Movant herein, and respectfully represents the following:

1. Movant currently resides in New York, New York and is not a resident of the State of Florida.
2. Movant is an attorney and a member of the law firm of Hogan Lovells US LLP, with offices currently located at 875 Third Avenue, New York, New York 10022, telephone number of (212)-918-3000. As of April 29, 2019, the offices of Hogan Lovells US LLP will be located at 390 Madison Avenue, New York, New York 10017.
3. Movant has been retained as a member of the above-named law firm on April 9, 2019, by Defendant, Scott Sider, to provide legal representation in connection with the above-styled matter now pending before the above-named court of the State of Florida.
4. Movant is an active member in good standing and currently eligible to practice law in New York under the bar number 1236769. Other jurisdictions/bar numbers are as follows:

JURISDICTION

District of Columbia

ATTORNEY/BAR NUMBER

Reg. No. 250621

<u>JURISDICTION</u>	<u>DATE OF ADMISSION</u>
Wisconsin (West District) #1236769	September 11, 2018
Wisconsin (Eastern District) # n/a	May 23, 1997
U.S. District Court EDNY	March 15, 1979
U.S. District Court SDNY	March 21, 1979
U.S. District Court NDNY, Reg. No. 510305	February 1, 2000
U.S. District Court DDC	December 1, 1980
U.S. District Court Michigan (Eastern District)	
U.S. District Court ND Cal.	1984
U.S. Court of Appeals – 2 nd Circuit	December 4, 1979
U.S. Court of Appeals – 3 rd Circuit	May 3, 1979
U.S. Court of Appeals – 5 th Circuit	August 1, 1989
U.S. Court of Appeals – 10 th Circuit	June 21, 2018
U.S. Court of Appeals – 11 th Circuit	September 28, 1987
U.S. Court of Appeals – DC Circuit	January 30, 1981
U.S. Supreme Court	January 18, 1982

5. There have been no disciplinary, suspension, disbarment, or contempt proceedings initiated against Movant in the preceding 5 years.

6. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

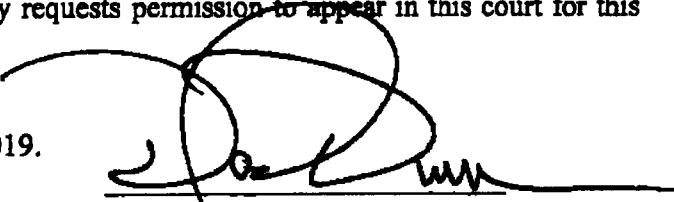
7. Movant is not an inactive member of The Florida Bar.
8. Movant is not now a member of The Florida Bar.

9. Movant is not a suspended member of The Florida Bar.
10. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation or disciplinary revocation from The Florida Bar.
11. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510.
12. Movant has not filed any motion to appear as counsel in Florida state courts during the past five (5) years.
13. Local counsel of record associated with Movant in this matter is George H. Knott (Florida Bar No. 0375918) who is an active member in good standing of The Florida Bar and has offices at 1625 Hendry Street, Suite 301, Fort Myers, FL 33901, telephone number (239) 332-2722.
14. Movant has read the applicable provisions of Florida Local Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

15. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this 14 day of April, 2019.



Movant
David Dunn
HOGAN LOVELLS US LLP
875 Third Avenue
New York, NY 10022
(212)-918-3000

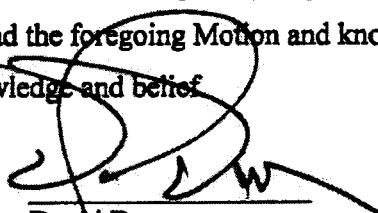
david.dunn@hoganlovells.com

STATE OF NEW YORK

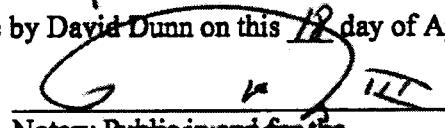
COUNTY OF NEW YORK

Before me, the undersigned notary, on this day personally appeared David Dunn, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

I, David Dunn, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief

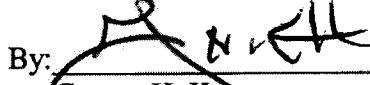

David Dunn

SWORN TO AND SUSCRIBED before me by David Dunn on this 18 day of April, 2019.


Notary Public in the State of New York
My Commission Expires 2021
Commission Expires 2021

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of Judicial Administration 2.510.

DATED this 18 day of April, 2019.

By: 

George H. Knott
Florida Bar No. 375918
Local Counsel of Record
Knott Ebelini Hart
1625 Hendry Street, Suite 301
Fort Myers, FL 33901
Telephone: (239) 332-2722
Facsimile: (239) 334-2801
gknott@knott-law.com
mcormele@knott-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar; and by electronic filing and served upon the individuals identified in the below Service List via e-mail through the Florida Courts E-filing Portal ("FCEP").

By: 

George H. Knott
Florida Bar No. 375918
Local Counsel of Record
Knott Ebelini Hart
1625 Hendry Street, Suite 301
Fort Myers, FL 33901
Telephone: (239) 332-2722
Facsimile: (239) 334-2801
gknott@knott-law.com
mcormele@knott-law.com

SERVICE LIST

Scott E. Attwood, Esq.
Henderson, Franklin,
Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, Florida 33902
Phone: (239) 344-1100
Fax: (239) 344-1571
Email: scott.attwood@henlaw.com
Attorneys for Plaintiffs

Herbert Beigel, Esq.
Law Offices of Herbert Beigel
5641 N. Chieftan Trail
Tucson, AZ 85750
Phone: (520) 825-1995
Mobile: (520) 869-5836
Fax: (520) 844-6215
Email: hbeigel@me.com
Pro hac vice application to be filed

Robert Viducich, Esq.
Law Office of Robert R. Viducich
40 Wall Street, 28th Floor
New York, NY 10005
Phone: (212) 400-7135
Email: rviducich@rrvlaw.com
Pro hac vice application to be filed
Attorneys for Plaintiffs

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA**

CIVIL ACTION

**THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,**

Plaintiffs,

v.

SCOTT SIDER,

Defendant.

CIVIL ACTION

FILE NO. 19-CA-001808

**VERIFIED MOTION OF HERBERT BEIGEL FOR ADMISSION TO
APPEAR PRO HAC VICE PURSUANT TO
FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510**

Movant, HERBERT BEIGEL, respectfully represents the following:

1. Movant resides in Tucson, Arizona. Movant is not a resident of the State of Florida.
2. Movant is an attorney and a member of the Law Offices of Herbert Beigel, 5641 N. Chieftan Trail, Tucson, Arizona 85750.
3. Movant is a member of the above-named law firm and was retained by Plaintiffs, The Hertz Corporation and Hertz Global Holdings, Inc. to provide legal representation in connection with the above-styled matter now pending before this court.
4. Movant is a member in good standing of the bar of the State of Arizona (Bar No. 21423, admitted 2002), the State of New York (506047, admitted 2012), the State of Illinois (Bar No. 158194, admitted 1970), the District of Columbia (No Bar No., admitted 1969) and the respective federal courts.

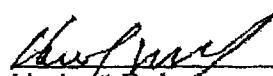
5. There are no disciplinary proceedings against Movant.
6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings.
7. Movant has never been subject to any suspension proceedings.
8. Movant has never been subject to any disbarment proceedings.
9. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.
10. Movant is not an inactive member of The Florida Bar.
11. Movant is not now a member of The Florida Bar.
12. Movant is not a suspended member of The Florida Bar.
13. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation from The Florida Bar.
14. Movant has not previously been disciplined nor held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510.
15. Movant has not filed a motion to appear as counsel in Florida state Courts during the past (5) years.
16. Local counsel of record associated with Movant in this matter are Scott E. Atwood, Esq., Bar No.0060331, who is an active member in good standing of The Florida Bar and has offices at Henderson, Franklin, Starnes & Holt, P.A., 1715 Monroe Street, Fort Myers, Florida 33902.

17. Movant has read the applicable provisions of Florida Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

18. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this 19th day of April, 2019.


Herbert Beigel
Arizona Bar Number 021423
Movant

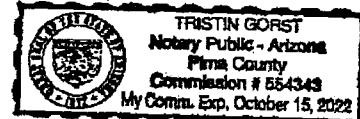
Law Offices of Herbert Beigel
5641 N. Chieftan Trail
Tucson, AZ 85750
Phone: 520-825-1995
Email: hbeigel@me.com

STATE OF ARIZONA
COUNTY OF PIMA

I, Herbert Beigel, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.


Herbert Beigel
Movant

Sworn and subscribed before me
This 19 day of April, 2019



Kristin Gorst
NOTARY PUBLIC

My commission expires: 10/15/22

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of Judicial Administration 2.510.

DATED this 22nd day of April, 2019.

By: *Scott E. Atwood*

Scott E. Atwood
Florida Bar No. 0060331

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
Counsel for Plaintiffs
P.O. Box 280
Fort Myers, Florida 33902-0280
Telephone: 239.344.1287
Facsimile: 239.344.1571
Primary E-Mail: scott.atwood@henlaw.com
Secondary E-Mail: lise.mcstravock@henlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar; and by email and via the Court's e-filing system to David Dunn, Esq.

This 22nd day of April, 2019.

Herb Beigel / Scott E. Atwood
Herb Beigel / Scott E. Atwood
Movant

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA**

**THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,**

Plaintiffs,

v.

SCOTT SIDER,

Defendant.

CIVIL ACTION

FILE NO. 19-CA-001808

**VERIFIED MOTION OF ROBERT R. VIDUCICH FOR ADMISSION TO
APPEAR PRO HAC VICE PURSUANT TO
FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510**

Movant, ROBERT R. VIDUCICH, respectfully represents the following:

1. Movant resides in New York, New York. Movant is not a resident of the State of Florida.
2. Movant is an attorney and a member of the Law Office of Robert R. Viducich, 40 Wall Street, 28th Floor, New York, New York 10005.
3. Movant is a member of the above-named law firm and was retained by Plaintiffs, The Hertz Corporation and Hertz Global Holdings, Inc. to provide legal representation in connection with the above-styled matter now pending before this court.
4. Movant is an active member in good standing and currently eligible to practice law in the State of New York, Bar No. 2535540 (admitted 1993) and the District of Columbia, Bar No. 445860 (admitted 1995).
5. There are no disciplinary proceedings against Movant.

6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings.

7. Movant has never been subject to any suspension proceedings.

8. Movant has never been subject to any disbarment proceedings.

9. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

10. Movant is not an Inactive member of The Florida Bar.

11. Movant is not now a member of The Florida Bar.

12. Movant is not a suspended member of The Florida Bar.

13. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation from The Florida Bar.

14. Movant has not previously been disciplined nor held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510.

15. Movant has not filed a motion to appear as counsel in Florida state Courts during the past (5) years.

16. Local counsel of record associated with Movant in this matter are Scott E. Atwood, Esq., Bar No.0060331, who is an active member in good standing of The Florida Bar and has offices at Henderson, Franklin, Starnes & Holt, P.A., 1715 Monroe Street, Fort Myers, Florida 33902.

17. Movant has read the applicable provisions of Florida Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

18. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this 19th day of April, 2019.

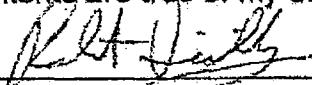


Robert R. Viducich
New York Bar Number 2535540
Movant

Law Office of Robert R. Viducich
40 Wall Street, 28th Floor
New York, New York 10005
Phone: 212-400-7135
Email: rviducich@rrvlaw.com

STATE OF NEW YORK
COUNTY OF NEW YORK

I, Robert R. Viducich, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.



Robert R. Viducich
Movant

Sworn and subscribed before me
This 19 day of April, 2019.

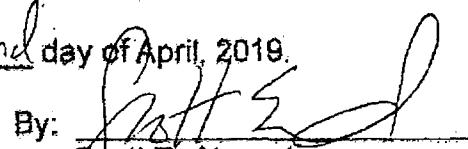
Estefany Cardenas
NOTARY PUBLIC
My commission expires:

ESTEFANY CARDENAS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CA6378247
Qualified in Queens County
My Commission Expires 07-23-2022

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of Judicial Administration 2.510.

DATED this 22nd day of April, 2019.

By:

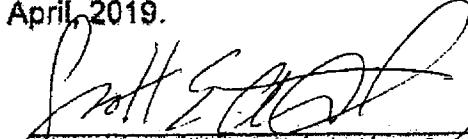
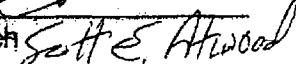

Scott E. Atwood
Florida Bar No. 0060331

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
Counsel for Plaintiffs
P.O. Box 280
Fort Myers, Florida 33902-0280
Telephone: 239.344.1287
Facsimile: 239.344.1571
Primary E-Mail: scott.atwood@henlaw.com
Secondary E-Mail: lise.mastravock@henlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar; and by email and via the Court's e-filing system to David Dunn, Esq.

This 22nd day of April, 2019.


Robert R. Viducien 
Movant

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

SCOTT SIDER

Defendant.

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

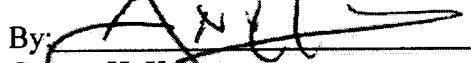
ACCEPTANCE OF SERVICE

Defendant, Scott Sider, by and through his undersigned attorney, hereby accepts and acknowledges service of the Complaint in the above-styled action and, by agreement of the parties, shall file a responsive pleading to the Complaint on or before May 20, 2019.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been electronically filed through the Florida Courts E-Filing Portal ("FCEP") and sent via electronic mail to the parties listed on the attached Service List this 3d day of May 2019.

KNOTT EBELINI HART
Attorney for the Defendant
1625 Hendry Street, Suite 301
Fort Myers, FL 33901
Ph: (239) 334-2722
Fax: (239) 334-2801
Gknott@knott-law.com (Primary)
ggift@knott-law.com (Primary)
mcormele@knott-law.com (Secondary)

By: 
George H. Knott
Florida Bar No.: 0375918
George W. Gift, III
Florida Bar No. 109093

SERVICE LIST

Scott E. Atwood, Esq.
Henderson, Franklin,
Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, Florida 33902
Phone: (239) 344-1100
Fax: (239) 344-1571
Email: scott.atwood@henlaw.com
Attorneys for Plaintiffs

David Dunn, Esq.
Hogan Lovells US LLP
875 Third Avenue
New York, New York 10022
Phone: (212) 918-3515
Fax: (212) 918-3100
Email: David.dunn@hoganlovells.com
Attorney for Defendant
Pro hac vice application pending

Herbert Beigel, Esq.
Law Offices of Herbert Beigel
5641 N. Chieftan Trail
Tucson, AZ 85750
Phone: (520) 825-1995
Mobile: (520) 869-5836
Fax: (520) 844-6215
Email: hbeigel@me.com
Attorney for Plaintiffs
Pro hac vice application pending

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,
v.
SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

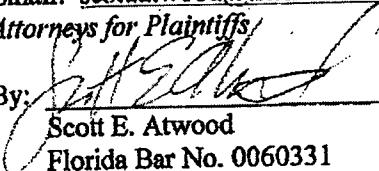
STIPULATION

The parties hereby stipulate and agree that a responsive pleading to the Complaint shall be due from Defendant, Scott Sider, on or before May 20, 2019.

The parties further stipulate and agree to the entry of orders permitting David Dunn and Herbert Beigel to appear in the above-referenced case *pro hac vice*.

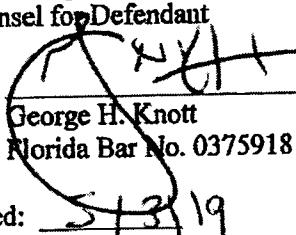
Scott E. Atwood, Esq.
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Starnes & Holt, P.A.
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Phone: (239) 344-1100
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Attorneys for Plaintiffs

By: 
Scott E. Atwood
Florida Bar No. 0060331

Dated: 5/2/19

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Counsel for Defendant

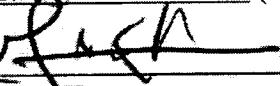
By: 
George H. Knott
Florida Bar No. 0375918

Dated: 5/3/19

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been electronically filed through the Florida Courts E-Filing Portal ("FCEP") and sent via electronic mail to the parties listed on the attached Service List this 3rd day of May 2019.

KNOTT EBELINI HART
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ggift@knott-law.com (Primary)
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By: 
George H. Knott
Florida Bar No.: 0375918
George W. Gift, III
Florida Bar No. 109093

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Attorneys for Plaintiffs

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Attorney for Defendant
Pro hac vice application pending

Herbert Beigel, Esq.
Law Offices of Herbert Beigel
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Phone: (520) 825-1995
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Fax: (520) 844-6215
Email: hbeigel@me.com
Attorney for Plaintiffs
Pro hac vice application pending

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,
v.

SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

NOTICE OF UNAVAILABILITY

PLEASE BE ADVISED that George H. Knott of the law firm of Knott Ebelini Hart will be unavailable commencing July 22, 2019, and will not be returning to the office until July 30, 2019 and will be unavailable commencing August 9, 2019, and will not be returning to the office until August 20, 2019. It is respectfully requested that no hearings, depositions, or other matters that require the presence of counsel be conducted during this time.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been electronically filed through the Florida Courts E-Filing Portal ("FCEP") and sent via electronic mail to the parties listed on the attached Service List this 9th day of May, 2019.

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By: 
George H. Knott
Florida Bar No.: 0375918

SERVICE LIST

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Attorneys for Plaintiffs

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Fax: (212) 918-3100
Email: David.dunn@hoganlovells.com
Attorney for Defendant
Pro hac vice application to be filed

Herbert Beigel, Esq.
Law Offices of Herbert Beigel
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Mobile: (520) 869-5836
Fax: (520) 844-6215
Email: hbeigel@me.com
Attorney for Plaintiffs
Pro hac vice application to be filed

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

MOTION TO DISMISS

Defendant, Scott Sider, by and through undersigned counsel, moves the Court, in accordance with Rules 1.130 and 1.140, of the Florida Rules of Civil Procedure, for an Order dismissing the Complaint and as grounds therefor say:

1. Plaintiffs, The Hertz Corporation and Hertz Global Holdings, Inc. (collectively referred to herein as "Hertz"), brought the above-styled action against Defendant, Scott Sider (referred to herein as "Sider"), alleging three counts of breach of contract and one count for declaratory judgment.

I. IMPROPER VENUE

2. Hertz has alleged within its Complaint that venue is proper in Lee County pursuant to section 47.011, Florida Statutes, "because Hertz's headquarters are in Lee County, Florida, and because the causes of actions stated herein accrued in Lee County." Compl. ¶ 13.

3. Hertz must plead facts sufficient to support a basis for venue in Lee County, and failure to make these allegations requires the Court to dismiss the action for improper venue, or to transfer. Pozo v. Roadhouse Grill, Inc., 790 So. 2d 1255 (Fla. 5th DCA 2001). Here, Hertz has

not specifically pleaded factual allegations to support the venue allegation contained in Paragraph 13.

4. Section 47.011, Florida Statutes, states that “[a]ctions shall be brought only in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located.” As such, that Hertz is now headquartered in Lee County is of no moment.

5. The question before the Court is whether the causes of action alleged in the Complaint accrued in Lee County. Sider attaches the affidavit of Scott Sider, in support of this Motion, as Exhibit “A” and incorporates the same herein by reference.

i. **Allegations Related to Breach of Contract**

6. Hertz has alleged three separate causes of action for breach of contract in Counts I, II, and III.

7. A cause of action for breach of contract is said to have accrued in the county where the breach occurred. Precision Software, Inc. v. Gauthier, 605 So. 2d 592, 594 (Fla. 2d DCA 1992). In the case of an anticipatory breach of contract, the cause of action accrues where the repudiation was made. See Nissan N. Am., Inc. v. Vitale, 802 So. 2d 465, 467 (Fla. 2d DCA 2001).

Count I

8. Count I of the Complaint alleges that on February 13, 2019 counsel for Hertz contacted counsel for Sider and demanded return of Sider’s incentive-based compensation from fiscal years 2011, 2012, and 2013. Compl. ¶ 81.

9. Count I goes on to state that Sider refused to return the demanded incentive-based compensation and that as such Sider “materially breached his obligations under the 2010

ClawBack Policy, and his various incentive compensation agreements, by failing to remit his incentive-based compensation from fiscal years 2011, 2012, and 2013. Compl. ¶¶ 82 and 83.

10. Sider did not reside in Lee County when the demand for reimbursement and his refusal to comply with that demand occurred. See Sider Aff. ¶¶ 9 and 10.

11. Sider has lived in Collier County from December 2014 to the present. See Sider Aff. ¶ 11.

12. As such, venue is not proper in Lee County, and this matter should be dismissed or transferred to Collier County.

ii. **Allegations Related to Declaratory Judgment**

13. Count II of the Complaint alleges that “certain of the incentive-based compensation received by Sider in his Separation Agreement was ‘based on achievement of financial result that were the subject of’ the Company’s July 2015 Restatement.” Compl. ¶ 87.

14. Count II alleges generally that based upon “misconduct and gross negligence set forth above” and the “ClawBack Policy as amended and restated in 2014” demand was made in February 13, 2019 by counsel for Hertz upon counsel for Sider for repayment of incentive-based compensation and benefits derived from Sider’s Separation Agreement. Compl. ¶ 89.

15. Hertz alleges that Sider materially breached his obligations under the 2010 ClawBack Policy for failure to remit the incentive-based compensation. Compl. ¶ 91.

16. Sider did not live in Lee County when the demand for reimbursement or his refusal to remit the amounts demanded occurred. See Sider Aff. ¶¶ 9 and 10.

17. Sider has lived in Collier County from December 2014 to the present. See Sider Aff. ¶ 11.

18. As such, venue is not proper in Lee County, and this matter should be dismissed or transferred to Collier County.

Count III

19. Count III alleges that Sider breached his obligations under the Standards of Business Conduct based upon "gross negligence and misconduct, and failure to disclose the gross negligence and misconduct of the other aforementioned key senior executives, during and for the Restatement Period." Compl. ¶ 96.

20. Sider never worked for Hertz in Lee County. See Sider Aff. ¶¶ 9 and 10.

21. As such, venue is not proper in Lee County, and this matter should be dismissed or transferred to Collier County.

Count IV

22. Count IV alleges a cause of action for declaratory judgment denying advancement of expenses and legal fees under Section 6.01 of Article VI of the Amended and Restated By-Laws. See Compl. ¶ 91.

23. Hertz alleges that Sider is not entitled to indemnification or advancement of expenses in the contract-based actions they have brought against Sider, and that even if that were the case such would be inconsistent with and negated by the ClawBack Enforcement Provision. See Compl. ¶¶ 105 and 106.

24. "A suit for declaratory relief does not, of itself, constitute a cause of action for the purpose of activating the venue statute." Royal Jones & Associates, Inc. v. Cigna Ins. Co., 575 So. 2d 309, 310 (Fla. 2d DCA 1991). "Rather, the underlying relief sought determines venue." Jacobs & Goodman, P.A. v. McLin, Burnsed, Morrison, Johnson & Robuck, P.A., 582 So. 2d 98, 100 (Fla. 5th DCA 1991).

25. The relief sought in Count IV is to avoid payment of monies that would be due under Plaintiffs' Restated By-Laws. Any indemnification or advancement of expenses due under Section 6.01 of Article VI of the Amended and Restated By-Laws would be payable to Sider, who resides in Collier County. See The Florida Companies v. BFA Corp., 424 So. 2d 48, 49 (Fla. 3d DCA 1982) (where disputed payments were to be paid determined venue based upon "the traditional view that the cause of action accrued where payment was to be received.")

26. Alternatively, Hertz seeks relief from Section 6.01 of Article VI of the Amended and Restated By-Laws based upon the ClawBack Policies and agreements pursuant to which Sider received incentive-based payments. Compl. ¶ 102. As stated *above*, none of the contractual actions based herein accrued in Lee County, but instead each and all of them accrued in Collier County.

27. As such, venue is not proper in Lee County, and this matter should be dismissed or transferred to Collier County.

II. FAILURE TO ATTACH DOCUMENTS

28. Rule 1.130(a) of the Florida Rules of Civil Procedure provides that: "[all bonds, notes, bills of exchange, contracts, accounts, or documents upon which action may be brought or defense made, or a copy thereof or a copy of the portions thereof material to the pleadings, shall be incorporated in or attached to the pleading]." It is axiomatic that under Rule 1.130(a), a pleading that asserts a claim for relief based on a written instrument is subject to dismissal for failure to state a cause of action if the instrument is not attached. Safeco Ins. Co. of America v. Ware, 401 So. 2d 1129, 1130 (Fla. 4th DCA 1981); See also In re Estate of Vickery, 564 So. 2d 555 (Fla. 4th DCA 1990) (complaint which failed to allege or attach agreement did not state cause of action).

29. Hertz bases its claims in the present action upon various documents and agreements, including, but not limited to: Hertz's 2010 Compensation Recovery Policy, Hertz's 2014 Compensation Recovery Policy, Hertz's Standards of Business Conduct, a Separation Agreement, a Performance Stock Unit, an Employee Stock Option, a Price Vested Stock Unit, a July 2015 Restatement, a Resolution of February 11, 2019, and Hertz's Amended and Restated By-Laws (collectively referred to herein as the "Missing Documents").¹ However, none of these documents were attached to the Complaint.

30. Rule 1.130(a) of the Florida Rules of Civil Procedure provides that: "[all bonds, notes, bills of exchange, contracts, accounts, or documents upon which action may be brought or defense made, or a copy thereof or a copy of the portions thereof material to the pleadings, shall be incorporated in or attached to the pleading." It is axiomatic that under Rule 1.130(a), a pleading that asserts a claim for relief based on a written instrument is subject to dismissal for failure to state a cause of action if the instrument is not attached. Safeco Ins. Co. of America v. Ware, 401 So. 2d 1129, 1130 (Fla. 4th DCA 1981); See also In re Estate of Vickery, 564 So. 2d 555 (Fla. 4th DCA 1990) (complaint which failed to allege or attach agreement did not state cause of action).

31. The Missing Documents were therefore required to have been attached to the Complaint under Rule 1.130(a), of the Florida Rules of Civil Procedure. Hertz's failure to attach the foregoing documents mandates that the Complaint be dismissed.

III. VIOLATION OF RULE 1.110(B), FLORIDA RULES OF CIVIL PROCEDURE

32. Rule 1.110(b) of the Florida Rules of Civil Procedure requires a complaint to provide short and plain statements of ultimate facts.

¹ See respectively Complaint paragraphs 1, 48, 74, 77, 79, 104, et al.

33. Hertz's Complaint violates this rule inasmuch as each Count not only incorporates by reference the preliminary allegations of the Complaint but also incorporates by reference all of the allegations of each preceding count. Such form of pleading has been found by Florida Courts to violate Rule 1.110(b) of the Florida Rules of Civil Procedure requiring dismissal. Gerentine v. Coastal Security Systems, 529 So.2d 1191 (Fla. 5th DCA 1988) and Frugoli v. Winn-Dixie Stores, Inc., 464 So.2d 1292 (Fla. 1st DCA 1985). Accordingly, Hertz' Complaint should be dismissed.

CONCLUSION

34. The allegations at issue in the Complaint occurred in Collier County, and thus venue is not proper in Lee County. This is further buttressed by the fact that Sider resides and has resided for over four years in Collier County, including when he took the actions alleged in the Complaint to provide the basis for Hertz's causes of action. See Sider Aff. ¶ 4.

35. The Complaint must be dismissed, or transferred to Collier County at the expense of Hertz.

36. Hertz failed to attach to the Complaint documents upon which its actions are based as required under the provisions of Rule 1.130(a) of the Florida Rules of Civil Procedure, and the Complaint must be dismissed.

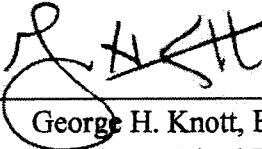
37. Hertz has failed to plead a short and plain statement of ultimate facts showing that it is entitled to relief as required by Rule 1.110(b) of the Florida Rules of Civil Procedure, and the Complaint should be dismissed.

38. To the extent the Court finds that the Motion to Dismiss, does not apply to all portions of the Complaint, the Sider requests an enlargement of time to respond to the Complaint until such time that the Court rules on this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by electronic filing and served upon the individuals identified in the below Service List via e-mail through the Florida Courts E-filing Portal ("FCEP").

KNOTT EBELINI HART
Attorneys For Defendant
1625 Hendry Street, Suite 301
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(239) 334-2722
gknott@knott-law.com
mcornele@knott-law.com

By: 

George H. Knott, Esquire
Florida Bar No. 375918

and

HOGAN LOVELLS US LLP
Attorneys for Defendant appearing *Pro Hac Vice*
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(212) 918-3000
david.dunn@hoganlovells.com

David Dunn, Esquire
Pro Hac Vice application has been filed

SERVICE LIST

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Attorneys for Plaintiffs

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Email: hbeigel@me.com
Attorneys for Plaintiffs
Pro Hac Vice application has been filed

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Email: rviducich@rrylaw.com
Attorneys for Plaintiffs
Pro Hac Vice application has been filed

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION
THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

Case No. 19-CA-1808

Judge: Leigh Frizzell Hayes

SCOTT SIDER

Defendant.

1

AFFIDAVIT OF SCOTT SIDER

STATE OF FLORIDA)
ss.
COUNTY OF COLLIER)

BEFORE ME, the undersigned authority, Scott Sider, personally appeared who, after being first duly sworn, deposes and says:

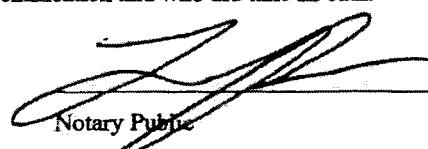
1. That I am Scott Sider.
2. That I am over the age of eighteen (18).
3. That I have personal knowledge of the facts set forth herein.
4. I reside in Collier County, Florida.
5. I was formerly employed The Hertz Corporation and Hertz Global Holdings, Inc. (collectively referred to as "Hertz") as the president of the rental car unit in the Americas.
6. I resigned my employment with Hertz on or about August 18, 2014.
7. At the time of my resignation, I worked for Hertz in Collier County, Florida. I never worked for Hertz at any other location or at any other county in Florida.
8. I have never worked for Hertz in Lee County, Florida.
9. I have never worked in Lee County, Florida.
10. I have lived in Collier County from December 2014 to the date of this Affidavit.
11. Before Hertz relocated its business headquarters to Collier County, Florida, I worked for Hertz in New Jersey, and resided in that State.

FURTHER AFFIANT SAYETH NAUGHT.

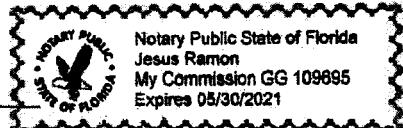


Scott Sider

The foregoing instrument was sworn to and subscribed before me this 15th day of May 2019,
by Scott Sider who is personally known to me or who has produced
Florida DL as identification and who did take an oath.



Notary Public



My Commission expires: 05/30/2021

Exhibit "A"

Printed Name: Jesus Ramon

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,
v.
SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

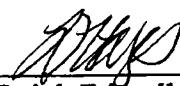
Defendant. /

**ORDER GRANTNG VERIFIED MOTION FOR ADMISSION OF DAVID DUNN
TO APPEAR PRO HAC VICE**

THIS CAUSE, having come on to be heard upon the Verified Motion for Admission to Appear *Pro Hac Vice* Pursuant to Fla. R. Jud. Admin. 2.510, and the parties having stipulated to the entry of the Order sought, it is:

ORDERED AND ADJUDGED that David Dunn, a member in good standing of the Bar of the State of New York, who is associated with local counsel and a member in good standing of the Florida Bar, George H. Knott, of Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, is hereby admitted to practice in this Court *Pro Hac Vice* as one of the attorneys for Defendant, Scott Sider, in accordance with Fla. R. Jud. Admin. 2.510, and the Clerk is directed to add David Dunn to the service list.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 21 day of May 2019.


Leigh Frizzell Hayes
Circuit Court Judge

Service of the foregoing,
Pursuant to Rule 1.080
Florida Rules of Civil
Procedure, has been Served
by U.S. Mail this 22 day
of May, 2019 upon:

Scott E. Atwood, Esq.

By: 

Judicial Assistant to Judge Leigh Frizzell Hayes

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA**

CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

SCOTT SIDER,

Defendant.

CIVIL ACTION

FILE NO. 19-CA-001808

**ORDER GRANTING VERIFIED MOTION FOR ADMISSION OF HERBERT BEIGEL
TO APPEAR PRO HAC VICE**

THIS CAUSE, having come on to be heard upon the Verified Motion for Admission to Appear *Pro Hac Vice* pursuant to Fla. R. Jud. Admin. 2.510, and the parties having stipulated to the entry of the Order sought, it is:

ORDERED AND ADJUDGED that Herbert Beigel, a member in good standing of the Bar of the State of Arizona, who is associated with local counsel and a member in good standing of the Florida Bar, Scott E. Atwood, of Henderson Franklin Starnes & Holt, 1715 Monroe Street, Fort Myers, Florida 33902, is hereby admitted to practice in this Court *Pro Hac Vice* as one of the attorneys for Plaintiffs The Hertz Corporation and Hertz Global Holdings, Inc., in accordance with Fla. R. Jud. Admin. 2.510, and the Clerk is directed to add Herbert Beigel to the service list.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 24
day of May 2019.


Leigh Frizzell Hayes
Circuit Court Judge

Service of the foregoing,
pursuant to Rule 1.080
Florida Rules of Civil
Procedure, has been served
by U.S. Mail this 3 day of
May, 2019 upon:

June
George H. Knott, Esquire

By:



Judicial Assistant to Judge Leigh Frizzell Hayes

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA**

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,

v.

SCOTT SIDER,

Defendant.

CIVIL ACTION

FILE NO. 19-CA-001808

**ORDER GRANTING VERIFIED MOTION FOR ADMISSION OF ROBERT R.
VIDUCICH TO APPEAR PRO HAC VICE**

THIS CAUSE, having come on to be heard upon the Verified Motion for Admission to Appear *Pro Hac Vice* pursuant to Fla. R. Jud. Admin. 2.510, and the parties having stipulated to the entry of the Order sought, it is:

ORDERED AND ADJUDGED that Robert R. Viducich, a member in good standing of the Bar of the State of New York, who is associated with local counsel and a member in good standing of the Florida Bar, Scott E. Atwood, of Henderson Franklin Starnes & Holt, 1715 Monroe Street, Fort Myers, Florida 33902, is hereby admitted to practice in this Court *Pro Hac Vice* as one of the attorneys for Plaintiffs The Hertz Corporation and Hertz Global Holdings, Inc., in accordance with Fla. R. Jud. Admin. 2.510, and the Clerk is directed to add Robert R. Viducich to the service list.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 21 day of May 2019.


Leigh Frizzell Hayes
Circuit Court Judge

Service of the foregoing,
pursuant to Rule 1.080
Florida Rules of Civil
Procedure, has been served
by U.S. Mail this 21 day of
May, 2019 upon:

George H. Knott, Esquire

By: 

Judicial Assistant to Judge Leigh Frizzell Hayes



LINDA DOGGETT : CLERK OF COURT

**MEMORANDUM
TRANSFER FILING FEES DUE**

Date: June 18, 2019

To: Henderson Franklin Starnes & Holt PA
Attorney for Plaintiff
Court House Box 12

From: Michele Parker, Deputy Clerk

In Re: **19-CA-001808**

Hertz Corporation et al
Plaintiff
vs
Sider, Scott
Defendant

Transfer of Venue

We are in receipt of an order transferring the above styled case. Pursuant to **F.S. 47.191** and **Florida Rule of Civil Procedure 1.060 (c)**, we cannot complete the transfer until we are in receipt of the appropriate filing fee. Upon receipt of these fees, the order of transfer and certified copy of the case progress docket along with the complete case file will be forwarded to the appropriate venue in accordance with **F.S. 47.172**.

Please contact the receiving county for information on filing fees and make your check out accordingly.

Thank you.

Linda Doggett, Clerk of Court, P.O. Box 310, Fort Myers, FL 33902. (239) 533-5000

F.S. 47.191 & Fla.R.Civ.P 1.060(c) Rev. 06/09/17

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
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THE HERTZ CORPORATION and
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Plaintiffs,
v.

SCOTT SIDER

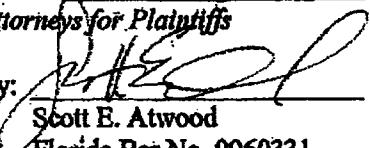
Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

STIPULATION TO TRANSFER VENUE

The parties hereby stipulate and agree that venue is not proper in the Circuit Court in and for Lee County and, accordingly, further stipulate and agree to the entry of an order as set forth below.

Scott E. Atwood, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, Florida 33902
Phone: (239) 344-1100
Email: scott.atwood@henlaw.com
Attorneys for Plaintiffs

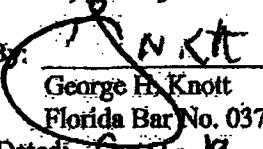
By: 
Scott E. Atwood
Florida Bar No. 0060331

Dated: 6/11/19
Herbert Beigel, Esq.
Law Offices of Herbert Beigel
5641 N. Chieftan Trail
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Phone: (520) 825-1995
Email: hbeigel@me.com
Attorneys for Plaintiffs appearing Pro Hac Vice

By:
Herbert Beigel
Arizona Bar No. 021423

Dated: _____

George H. Knott, Esq.
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Fort Myers, Florida 33901
Ph: (239) 334-2722
gknott@knott-law.com
mcormeke@knott-law.com
Attorney for Defendant

By: 
George H. Knott
Florida Bar No. 0375918
Dated: 6-11-19

David Dunn, Esq.
Hogan Lovells US LLP
875 Third Avenue
New York, New York 10022
Phone: (212) 918-3515
Email: David.dunn@hoganlovells.com
Attorney for Defendant appearing Pro Hac Vice

By:
David Dunn
New York Bar No. 1236769

Dated: _____

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,
v.

SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

STIPULATION TO TRANSFER VENUE

The parties hereby stipulate and agree that venue is not proper in the Circuit Court in and for Lee County and, accordingly, further stipulate and agree to the entry of an order as set forth below.

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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC..

Plaintiffs,
v.

SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant. /

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Dated: *6/12/19*

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

THE HERTZ CORPORATION and
HERTZ GLOBAL HOLDINGS, INC.,

Plaintiffs,
v.
SCOTT SIDER

Case No. 19-CA-1808
Judge: Leigh Frizzell Hayes

Defendant /

ORDER GRANTING DEFENDANT'S MOTION TO TRANSFER VENUE

THIS CAUSE having come on to be heard upon Defendant's Motion to Transfer and the stipulation of the parties and the Court being otherwise duly advised in the premises, it is:

ORDERED AND ADJUDGED that venue is not proper in the Circuit Court in and for Lee County and, accordingly, the clerk shall transfer the above-captioned case to the Circuit Court in and for Collier County, Florida; and it is further

ORDERED AND ADJUDGED that the Clerk of the Circuit Court for Lee County, Florida shall transmit to the Clerk for the Circuit Court in Collier County, Florida all papers filed in this proceeding, a certified copy of all entries of record in the progress docket and a copy of this Order of transfer as required under Section 47.172, Florida Statutes; and it is further

ORDERED AND ADJUDGED that the Plaintiffs shall pay to the Clerk of the Circuit Court of Lee County, Florida, all costs that have been accrued to date in this action including the required transfer fee associated with the change of venue contemplated herein; and it is further

ORDERED AND ADJUDGED that the remaining issues raised in the Defendant's Motion to Dismiss shall be addressed by the Circuit Court for Collier County, Florida.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this ____ day of
_____, 2019.

Judge Leigh Frizzell Hayes

The foregoing, pursuant to
Rule 1.080, Florida Rules of
Civil Procedure, has been
served by regular U.S. Mail
this ____ day of June, 2019, upon:

George H. Knott, Esq.
Scott E. Atwood, Esq.
Herbert Beigel, Esq.
Robert Viducich, Esq.
David Dunn, Esq.

By: Judicial Assistant to Judge Hayes